

U.S. ENVIRONMENTAL PROTECTION AGENCY



REGION X

1200 SIXTH AVENUE  
SEATTLE, WASHINGTON 98101

RECEIVED

JUN 11 1981

DHW - Div. of Environment  
Env. Health Bureau

REPLY TO  
ATTN OF:

M/S 530

JUN 11 1981

D.W. Haines  
Monsanto Chemical Intermediates Company  
P.O. Box 816  
Soda Springs, Idaho 83276

Re: Facility #IDD081830994

Dear Mr. Haines:

As you are aware, the EPA issued an amendment on November 19, 1980 to exclude from regulation under Subtitle C of RCRA solid waste generated in mining and associate processing operations. On the basis of this amendment, you requested withdrawal of your notification and Part A permit application by letter dated February 27, 1980.

The statutory exclusion of mining wastes in Section 3001 of the Act is limited to "solid waste from the extraction, beneficiation and processing of ores and minerals." The EPA is currently interpreting the language of this exclusion to include solid waste from the exploration, mining, milling, smelting and refining of ores and minerals. The exclusion does not, however, apply to solid wastes such as spent solvents, discarded commercial chemical products, and pesticide wastes that are not uniquely associated with these mining and allied processing operations. Therefore, should your facility generate any of these non-indigenous wastes and the waste is identified or listed as hazardous under Part 261 of the regulations, the waste must be managed in conformance with the Subtitle C regulations.

Your Part A permit application lists several of these non-indigenous wastes with process code S01 (storage in barrels). A storage permit is still required if, for example, you will store for over 90 days more than 1 kilogram of the hazardous waste P119. A storage permit is also required to store for over 90 days, more than 1000 kilograms of hazardous waste identified in Parts 261.31, 261.32, 261.33 or 261.21 through 261.24; for example, the hazardous wastes U154, U220, U002, etc., as listed on your permit application.

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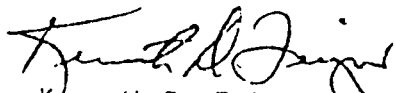
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If after consideration of these non-indigenous wastes, it is determined that your facility is not subject to the requirements for notification and/or submission of a Part A permit application, your forms will be returned. So as not to jeopardize your qualifications for interim status, we will retain the forms pending written clarification from you.

Please call Linda Dawson at (206) 442-1260 if you have any questions.

Sincerely,

  
Kenneth D. Feigner, Chief  
Waste Management Branch

cc: Daryl Koch, IDHW  
Athena Lalikos, EPA